

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF ROANOKE

SUSANNA BETH CAMP,

PLAINTIFF,

v.

CITY OF ROANOKE | CITY OF
ROANOKE POLICE DEPARTMENT,

DEFENDANT.

)
)
)
)
)
)
)
)
)
)
)

Case No.: CL21-2268

ORDER

Pending before this Court is a Motion for Summary Judgment filed by Defendant City of Roanoke | City of Roanoke Police Department (“the City”) as to Count I of the Complaint, which contains claims brought under the Virginia Whistleblower Protection Act (“VWA”), codified at Virginia Code § 40.1-27.3, and the Virginia Fraud and Abuse Whistle Blower Protection Act (“VFAWBPA”), codified at Code § 2.2-3009 *et seq.*

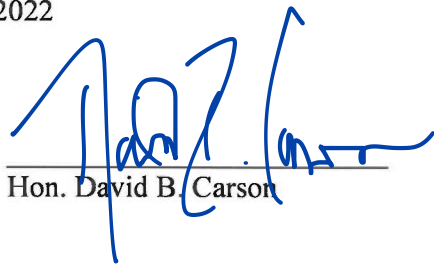
The parties came before the Court for a hearing on this motion on November 3, 2022. After considering the parties’ written submissions and the arguments of counsel, the Court read into the record its holdings and conclusions as a matter of law. For the reasons stated by the Court, it is hereby ADJUDGED, ORDERED, and DECREED as follows:

1. The City’s Motion for Summary Judgment on Count I of the Plaintiff’s Amended Complaint is GRANTED. The Court finds that all of the alleged action(s) and/or inaction(s) by the Defendant, the City, were governmental in nature and, therefore, Count I of the Amended Complaint is barred by the doctrine of sovereign immunity; and



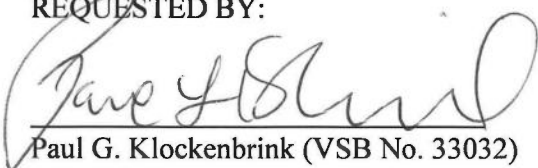
2. In the first alternative, the City's Motion for Summary Judgment on the VWA claim in Count I of Plaintiff's Amended Complaint is GRANTED. The Court finds that the VWA does not authorize claims against the City; and
3. In the second alternative, the City's Motion for Summary Judgment on the VFAWBPA claim in Count I of the Amended Complaint is DENIED. This Court finds triable issues of material fact as to whether the VFAWBPA authorizes Plaintiff's claims against the City; and
4. It is hereby ORDERED that the Clerk furnish a copy of this Order to all Parties.

ENTERED this 1st day of December, 2022



Hon. David B. Carson

REQUESTED BY:



Paul G. Klockenbrink (VSB No. 33032)

Catherine J. Huff (VSB No. 78610)

Jessiah S. Hulle (VSB No. 95828)

GENTRY LOCKE

10 Franklin Road S.E., Suite 900

P.O. Box 40013

Roanoke, Virginia 24022-0013

(540) 983-9300

Facsimile: (540) 983-9400

klockenbrink@gentrylocke.com

huff@gentrylocke.com

Ryan J. Starks (VSB No. 93068)

GENTRY LOCKE

919 E. Main Street, Suite 1130

Richmond, Virginia 23219

(804) 956-2062

Facsimile: (540) 983-9400

starks@gentrylocke.com

Timothy R. Spencer

City Attorney (VSB No. 26532)

Kelsey M. Durkin

Assistant City Attorney (VSB No. 90897)

464 Municipal Building

215 Church Avenue

Roanoke, Virginia 24011

(540) 853-2431

Facsimile: (540) 853-1221

Timothy.Spencer@roanokeva.gov

Kelsey.Durkin@roanokeva.gov

Counsel for Defendant



SEEN AND OBJECTED TO FOR THE FOLLOWING REASONS:

Sovereign immunity does not bar either causes of action pleaded in Count I. Additionally, the alleged action(s) and/or inaction(s) by the Defendant, the City, that gave rise to the causes of action in this matter were not governmental in nature. The Defendant is liable to the Plaintiff under both the Virginia Whistleblower Protection Act ("VWA"), codified at Virginia Code § 40.1-27.3, and the Virginia Fraud and Abuse Whistle Blower Protection Act ("VFAWBPA"), codified at Code § 2.2-3009 *et seq.*. The operative pleadings correctly state actionable claims for the Plaintiff under both acts. Further, both cited statutes provide private rights of action against the Defendant.



Thomas E. Strelka (VSB No. 75488)
L. Leigh R. Strelka (VSB No. 73355)
N. Winston West (VSB No. 92598)
Brittany M. Haddox (VSB No. 86416)
Monica L. Mroz (VSB No. 65766)
STRELKA LAW OFFICE, PC
4227 Colonial Ave
Roanoke, Virginia 24018
Phone: (540) 283-0802
thomas@strelkalaw.com
leigh@strelkalaw.com
winston@strelkalaw.com
brittany@strelkalaw.com
monica@strelkalaw.com

Counsel for Plaintiff

